

## ZONING AND BUILDING AGENDA

JULY 31, 2013

### 1. PUBLIC TESTIMONY

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#### PROPOSED ORDINANCE AMENDMENTS

324284 AN AMENDMENT TO COOK COUNTY CODE, CHAPTER 114 SIGNS, ARTICLE II BILLBOARD AND OFF-PREMISES OUTDOOR ADVERTISING SIGNS, SECTIONS 114-32 AND 114-33 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, Cook County Board of Commissioners.

#### PROPOSED ORDINANCE AMENDMENT

**BE IT ORDAINED**, by the Board of Commissioners of Cook County that Chapter 114 Signs, Article II Billboard and Off-Premises Outdoor Advertising Signs, Sections 114-32 and 114-33 of the Cook County Code shall be amended as follows:

**BE IT ORDAINED**, by the Board of Commissioners of Cook County that Chapter 114 Signs, Article II Billboard and Off-Premises Outdoor Advertising Signs, Sections 114-32 and 114-33 of the Cook County Code shall be amended as follows:

#### **Sec. 114-32. - Sign permits.**

(a) *Permit requirement.* A sign permit issued by the ~~Bureau of Administration~~ Department of Building and Zoning is required for all new and existing billboards and off-premises outdoor advertising signs as follows:

- (1) *New signs.* Applications shall be made for available sign permits to the ~~Bureau of Administration~~ Department of Building and Zoning for its submittal to the Zoning and Building Committee of the County Board.
  - (2) *Existing nonconforming signs.* The Commissioner of Building and Zoning is authorized to cause to be removed signs which are in violation of any applicable ordinances and regulations of the County.
- (b) *Permit application procedures.*
- (1) Applications for available sign permits shall be made to the ~~Bureau of Administration~~ Department of Building and Zoning on forms furnished by the ~~Bureau~~ Department. All applications shall be accompanied by a fee as established by the County Board.
  - (2) Applications shall include information required to assure compliance with regulations set forth in this article and with all other applicable ordinances and regulations of the County.

- (3) Applicants shall provide a bond, in a form acceptable to the ~~Bureau of Administration~~ Department of Building and Zoning, to ensure that signs will be constructed, maintained and removed in accordance with this article. Bonds shall permit the County to make, or cause to be made, emergency repairs and/or removal of signs.
- (4) Sign permits shall be issued by the ~~Bureau of Administration~~ Department of Building and Zoning upon satisfaction of all requirements and the approval of the County Board. Any permit may be revoked at any time by the ~~Bureau of Administration~~ Department of Building and Zoning upon a finding that a sign violates any provision of this article, or any other applicable County ordinance or regulation, or when a permittee has made false representations in securing a sign permit.

(c) *Fees.* In addition to the application fee required to obtain a sign permit, an annual fee of \$600.00 shall be required to maintain the permit.

**Sec. 114-33. - General requirements applicable to all signs.**

- (a) Signs shall not be erected so as to prevent free ingress to or egress from any door or window, nor shall signs be erected so as to impair access to the roofs of buildings.
- (b) Signs shall not be attached to trees or utility poles.
- (c) Signs shall not be painted, erected or constructed on the walls or roofs of buildings or structures.
- (d) Signs shall not use strobe lights.
- (e) Signs which are indirectly illuminated shall be illuminated by a steady, stationary, shielded or shaded light source and shall be directed solely at the sign so that the light intensity or brightness does not shine on adjacent properties or create traffic hazards for motorists or pedestrians.
- (f) Signs shall be designed and constructed to withstand wind pressure of 30 pounds per square foot, and shall be constructed to receive dead loads as required by the County Building and Environmental Ordinance.
- (g) Signs made of metal shall have faces or backgrounds constructed of metal not thinner than No. 28 B&S gauge.
- (h) Signs containing glass shall use safety glass.
- (i) Signs containing letters and characters shall be legible, cleanly defined and unfaded.

(j) Sign parts and supports shall be painted and maintained to prevent rusting, rotting, illegibility or other deterioration. All broken or missing parts of signs shall be promptly replaced.

(k) Signs which are freestanding shall be designed and engineered by an engineer licensed in the State of Illinois. Stamped drawings shall be submitted to the ~~Bureau of Administration~~ Department of Building and Zoning along with permit applications, which certify that signs comply with all structural regulations in this article and with all other applicable ordinances and regulations of the County.

(l) Signs shall not contain any fluttering, undulating, swinging, rotating, flashing or other moving parts, except:

- (1) Signs that give time and temperature information; and
- (2) Multiple-message signs with displays that change not more frequently than once every ten seconds.

(m) Signs shall display the name of the permit holder.

(n) Signs for which a permit has expired, which are unsafe, poorly maintained, insecure or which have been maintained, constructed or erected in violation of the provisions of this article, or with other applicable ordinances and regulations of the County may be removed, or caused to be removed by the Commissioner of Building and Zoning.

(o) Signs shall not display specified anatomical areas or specified sexual activity as defined in Appendix A, Zoning.

**Effective Date:** This Proposed Ordinance Amendment shall be in effect immediately upon passage and approval.

**\* Referred to the Zoning and Building Committee on July 17, 2013.**

324285

AN AMENDMENT TO COOK COUNTY CODE, CHAPTER 130 WIRELESS TELECOMMUNICATION FACILITIES, SECTIONS 130-3 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwiinkle, Cook County Board of Commissioners.

#### PROPOSED ORDINANCE AMENDMENT

**BE IT ORDAINED**, by the Board of Commissioners of Cook County that Chapter 130 Wireless Telecommunication Facilities, Section 130-3 of the Cook County Code shall be amended as follows:

#### **Sec. 130-3. General Requirements.**

(a) For purposes of this chapter, the following terms will be given the meaning described herein:

- (1) “Antenna” means any exterior apparatus designed for telephonic, radio, data, internet, or television communication through the sending or receiving of electromagnetic waves, and includes related equipment attached to a structure for the purposes of providing such service.
- (2) “Building” is defined in Article 14 of Appendix A, Zoning.
- (3) “Co-location” means the shared use of a structure by more than one wireless telecommunications service provider.
- (4) “Service Provider” means any corporation, company, association, firm, partnership, limited liability corporation, other entity or individual or person which provides wired or wireless telecommunication services licensed by the Federal Communications Commission (FCC).
- (5) “Structure” is defined in Article 14 of Appendix A, Zoning.
  - (i) "Cook County structure" includes any structure, tower, or building owned or operated by Cook County or any of its agents, departments, licensees, or agencies.
  - (ii) "Public utility structure" as used in this chapter means any plant, equipment, or property used or to be used for or in connection with a “public utility” as defined in 220 ILCS 5/3-105, and includes electrical transmission and antenna towers, electrical power structures, and water towers owned by municipalities, townships, special service districts, county or state governments.
- (6) “Wireless telecommunication facility” as used in this chapter shall be given the same meaning as "telecommunications carrier, wireless communication transmitting and receiving facility," which is defined in Article 14 of Appendix A, Zoning, under "telecommunications carrier wireless communication transmitting and receiving facility".
- (7) “Wireless telecommunications service” means a two-way voice radio-linked communications service which provides dial interconnection to a public switched network, including but not limited to cellular telephone service and personal communications service.”
- (8) “Wireless telecommunication tower” means any structure used for installation of telephone transmission equipment and personal communications systems, and includes the monopole to which an antenna is attached. The terms "structure" and "building" as used in this chapter are defined in Article 14 of Appendix A, Zoning. The term "public utility structure" as used in this chapter is defined in 220 ILCS 5/3-105, and includes electrical transmission and antenna towers, electrical power structures, and water towers owned by municipalities, townships, special service districts, county or state governments. “Cook County structure” includes any structure tower or building owned or operated by Cook County or any of its agents, departments, licensees or agencies.

(b) Installation of a wireless antenna on an existing wireless telecommunication facility is a permitted use in all zoning districts.

~~(b) (c)~~ Co-location of a new wireless telecommunication facility antenna on an existing rooftop, public utility structure, or other existing structure, other than a wireless telecommunication facility, shall not exceed 15 feet above the highest point of the existing structure, unless a variance is granted.

~~(e) (d)~~ All nNew wireless telecommunication towers more than 100 feet in height above curb level must be designed and intended for co location of at least five telecommunications service providers and must be located at least one-half mile away from any existing wireless telecommunication tower facility regardless of height, unless the new wireless telecommunication towers are located on an existing forest preserve structure, Cook County structure, or public utility structure. In addition, all nNew wireless telecommunication towers more than 100 feet in height above curb level must be designed and intended for co-location of at least five telecommunication antennas. New wireless telecommunication towers co-located on an existing forest preserve, a Cook County structure or a co location on a public utility structure shall be exempt from the one half mile separation requirement.

~~(d) (e)~~ New wireless telecommunication facilities shall not be installed on a building less than 40 feet in height when located in a residential district unless a variance is granted. Such variances shall be limited to installation of microcell and similar technology, and be no less than a reduction on buildings that are at least to 30 feet in height when located in a residential zoning district.

~~(e) (f)~~ New wireless telecommunication facilities shall be set back from the nearest residential lot line a minimum distance equal to the height of the new wireless telecommunication tower except when co location on an existing public utility structure and unless a variance is granted. This requirement shall not apply to new wireless telecommunication antennas that are being co-located on an existing public utility structure.

~~(f) (g)~~ New wireless telecommunication towers excluding the lightning rod; shall not exceed 120 feet in height above curb level or if a co location, extend more than 15 feet above an existing public utility structure, when located in a residence or commercial zoning district unless a variance is granted.

~~(g) (h)~~ New wireless telecommunication towers excluding the lighting rod; shall not exceed 150 feet in height above curb level or if a co location, extend more than 15 feet above an existing public utility structure, when located in an industrial or public zoning district unless a variance is granted.

~~(h) (i)~~ New wireless telecommunication facilities shall meet or exceed the structural standards for steel antenna towers and supporting structures contained in the current "Electronic Industries Association/Telecommunications Industries Association 222 Revision Standards".

(j) New wireless telecommunication facilities proposed for forest preserve property and/or public zoning districts ~~must~~ shall be located on a portion of the site improved and used for on-site maintenance or ~~be~~-co-located on an existing Cook County structure.

**Effective Date:** This Proposed Ordinance Amendment shall be in effect immediately upon passage and approval.

**\* Referred to the Zoning and Building Committee on July 17, 2013.**

324315

AN AMENDMENT TO COOK COUNTY CODE, APPENDIX A ZONING, ARTICLE 8, GENERAL PROVISIONS, SECTIONS 8.6, ARTICLE 9 PLANNED UNIT DEVELOPMENT, SECTIONS 9.5 THROUGH 9.8, ARTICLE 13, ADMINISTRATION AND ENFORCEMENT, SECTIONS 13.3, 13.4, 13.6, 13.7 AND 13.8, AND ARTICLE 14 RULES AND DEFINITIONS (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners.

#### PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Board of Commissioners of Cook County that Appendix A, Zoning, Article 8, General Provisions, Section 8.6, Article 9, Planned Unit Development, Sections 9.5 through 9.8, Article 13, Administration and Enforcement, Sections 13.3, 13.4, 13.6, 13.7, and 13.8, and Article 14, Rules and Definitions, of the Cook County Code shall be amended as follows:

#### ARTICLE 8. GENERAL PROVISIONS

##### 8.6. - Structure height.

The following requirements qualify or supplement district regulations in this ordinance:

*8.6.1. District regulations.* The height of any structure shall not exceed 125 percent of the height of the tallest existing structure located within a one-quarter mile radius of the property lines of the subject site. Structures located in R-7, R-8, C-2, C-4, C-7 or C-8 zoning districts shall not be used in the calculation of tallest existing structure. Property zoned R-7, R-8, C-2, C-4, C-7 or C-8 is exempted from this provision. This provision shall not apply if no structure exists within a one-quarter mile radius.

*8.6.2. Public buildings.* A public hospital or institution, a public or parochial school and a public utility or public service building shall not exceed a height of 60 feet, provided the building is set back from the front, rear and side lot lines a ratio of two feet for every ten feet of building height greater than 40 feet. This height requirement shall apply in addition to rear and side yard requirements set forth in this ordinance.

8.6.3. *Building appurtenances.* A chimney, parapet wall, skylight, steeple, flag pole, smokestack, cooling tower, elevator bulkhead, fire tower, monument, water tower, stack, stage tower or scenery loft, tank, ornamental tower or spire, roof garden, recreational facility, mechanical appurtenance or penthouse containing a mechanical appurtenance may exceed the height limits in this ordinance and shall not be included in building height.

8.6.4. *Planned unit developments.* The structures in a planned unit development may exceed the height limits established for the district in which the structures are located in accordance with an approved planned unit development.

8.6.5. *Airports.*

- A. Structures subject to notice under Federal Aviation Regulations shall not be constructed until it is determined by the Federal Aviation Administration that a structure will not be a hazard to aerial navigation. Applications for zoning amendments, special uses, unique uses, ~~variations~~<sup>variances</sup> or planned unit developments which involve property located within two miles of an airport shall be forwarded by the ~~Zoning Administrator or Bureau of Administration~~ Department of Building and Zoning to the Federal Aviation Administration for review and comment. In addition, plans to construct a structure exceeding 160 feet in height, regardless of location, shall be forwarded to the Federal Aviation Administration for review and comment.
- B. Data relating to an applicant's request to construct a structure within two miles of an airport shall be made available to the Federal Aviation Administration by the Department of Building and Zoning or Bureau of ~~Administration~~ Economic Development.

## ARTICLE 9. PLANNED UNIT DEVELOPMENT

### 9.5. - Application for preliminary plan approval.

9.5.1. *Notice of application.* An applicant shall, not less than 15 days nor more than 30 days before filing an application, serve written notice, of intent to apply for a PUD by certified mail with return receipt requested, to property owners within 250 feet of the lot lines of the proposed PUD. The property owners receiving notice shall be those persons or entities whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot lines of the proposed PUD, only the condominium association shall be served with notice. The number of feet occupied by public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local school district serving the PUD, the fire chief of each local fire protection district serving the PUD, the township clerk and the township highway commissioner for the district serving the PUD. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot

be found or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*9.5.2. Application and supporting documents.*

- A. ~~An applications~~ for a PUD shall be submitted to the Department of Building and Zoning~~Bureau of Administration~~ in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original ~~and 15 copies of the~~ application and all supporting documents. The applicant shall ~~attest~~disclose, and the ~~Bureau of Administration~~Department of Building and Zoning shall independently verify, ~~that~~ whether a judicial proceeding for a violation of any Cook County ordinance is pending pertaining to the subject property.
- B. Applicants shall ~~furnish~~file with ~~to the Bureau of Administration~~Department of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons served with notices pursuant to Section 9.5.1. ~~Applicants shall also furnish a written statement to the Bureau of Administration certifying compliance with the notice requirements of this ordinance.~~
- C. ~~Applications which fail to comply with this section shall be returned by the Bureau of Administration to applicant. The Bureau of Administration shall retain one copy of the application and supporting documents.~~
- ~~D.~~ Applications shall be accompanied by the following documentation:
  - 1. Statement describing the character of the PUD and the manner in which it has been designed to take advantage of the flexibility of PUD regulations and the benefits that will accrue to the public as a result of the PUD.
  - 2. Statement of planning objectives to be achieved by the PUD.
  - 3. Statement of present and proposed ownership of all land within the proposed PUD, with supporting documentation, and an affidavit certifying that there are no delinquent taxes on the whole or any part of the property.
  - 4. Development schedule indicating stages in which the proposed PUD will be built and approximate dates for beginning and completion of each construction stage.
  - 5. Proposed agreements, provisions or covenants which will govern the use, maintenance, operation and improvement of the proposed PUD and any of its common open space.
  - 6. Statement indicating the density of uses including total number of dwelling units per acre, number of units by type, number of buildings by type and number of bedrooms in each building and dwelling unit type.
  - 7. Statement detailing the type and amount of nonresidential uses including the total amount of common open space and net amount (open space which is not located in required yards or storm water management areas) of open space.
  - 8. Statement identifying the type and location of service facilities and off-street parking facilities, including total number of parking spaces and parking spaces per sub-area.
  - 9. Architectural plans for all primary buildings which reveal the style of the development and the building design, floor area of building types and total



ground coverage of buildings.

10. Landscape plan prepared by a registered landscape architect depicting trees, plant materials, grading, excavating, berming and aesthetic features.
11. School impact study estimating the number of additional students and the financial burden the proposed PUD will have on local school districts.
12. Appraisal report prepared by an MAI appraiser demonstrating the value of the property as zoned and the value as zoned with the proposed PUD.
13. Tax impact study estimating the tax revenue to be generated by the proposed PUD and the estimated cost to various taxing bodies of providing necessary services to the PUD.
14. Traffic analysis demonstrating the adequacy of the local transportation system to handle anticipated traffic volumes generated by the proposed PUD and an analysis of the adequacy of the PUD's internal vehicular circulation system.
15. Economic feasibility study of the proposed PUD showing the need and feasibility of the proposed development.
16. Sediment and erosion control plan.
17. Report indicating the subsurface conditions on the proposed PUD land, including location and result of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water and location and results of soil percolation tests if individual sewage disposal systems are proposed.
18. Schedule for phased development of the proposed PUD if the PUD is not intended to be established within one year. Upon approval, the development plan or schedule shall be considered as a limitation and condition on the PUD.
19. Preliminary lighting plan.
20. Survey prepared by a registered landscape architect or arborist of all trees over six inches in diameter, as measured six inches above the established grade, indicating location, species and quality.
21. Report indicating the existing and proposed pedestrian circulation system, including bicycle paths.
22. Site plan to scale depicting the following information:
  - a. Boundary lines of adjoining property within 1,000 feet of the subject property identifying parcels by PIN number, existing land use, existing zoning classification and comprehensive plan recommendation.
  - b. Location, width and purpose of easements.
  - c. Streets on and adjacent to the proposed PUD including street names, right-of-way widths, parking areas, existing or proposed centerline elevations, pavement types, sidewalks, curbs, gutters, culverts, paths and bike trails.
  - d. Utilities on and adjacent to the proposed PUD including location, size and invert elevation of sanitary, storm and combined sewers, location and size of water mains and location of gas lines, fire hydrants, electric and telephone lines and street lights.
  - e. Ground elevations on the proposed PUD at one-foot contours with spot elevations at all breaks in grades, along all drainage channels or swales and at points of special significance.
  - f. Water courses, floodplains, floodways, wetlands, marshes, rock outcrops, wooded areas, trees six inches or more in diameter, houses, accessory buildings and other significant features.
  - g. Direction and gradient of ground slope of land within 1,000 feet of the proposed PUD including embankments or retaining walls, character and location of major buildings, railroads, power lines, towers, and other

nonresidential land uses or adverse influences, platted lands with percentage of buildup, lot sizes and dwelling types.

- h. Proposed public improvements within 1,000 feet of the proposed PUD including highways and other major improvements planned by public authorities for future construction on or near the tract.
- i. Open space and recreational areas and facilities for public use or reserved for the use of all property owners.
- j. Location, purpose and height of all buildings and structures.
- k. Name of development, site planner, north point, scale, acreage of site and date of preparation.
- l. Additional information as may be required by Cook County.

D. Applications shall be accompanied by proposed findings of fact addressing each of the standards in Section 9.5.10. (A).

E. Applications which fail to comply with this section shall be returned by the Zoning Administrator to applicant, and the accompanying application fee will be reimbursed. The Zoning Administrator may retain one copy of the application and supporting documents.

~~9.5.3. Certification. The Bureau of Administration shall certify that the application for preliminary plan approval is complete and that all required documentation has been submitted in full prior to scheduling a public hearing on the application.~~

~~9.5.4. Fee. The application shall be accompanied by a fee as established by the Cook County Board of Commissioners in order to be deemed complete.~~

9.5.4. Verification. The Department of Building and Zoning shall verify that the application for preliminary plan approval is complete and that all required documentation has been submitted prior to forwarding the application.

9.5.5. Disclosure. Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

A. Property.

1. Applicants of property held in a land trust shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants of property owned by a partnership or association of two or more persons holding a common interest, shall disclose the name and address of each partner or associate. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants property owned by a corporation, shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

B. *Applicant.*

1. Applicants acting as agents or nominees shall disclose their agency relationship and the name and address of the principals, and their interest in the subject property. If the principals are not individuals, the identity of the principals shall be disclosed in accordance with paragraph 2 below. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants who are a partnership or association of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five-percent interest shall be disclosed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants who are corporations shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

~~9.5.6. *Setting hearing date.* Zoning Committee of Cook County Board of Commissioners. An application for a PUD shall be transmitted by the Bureau of Administration to the Zoning Committee of the Cook County Board of Commissioners for its referral back to the Bureau of Administration for processing. The Bureau of Administration Department of Building and Zoning shall forward a copy of the complete application and supporting documentation to the Zoning Board of Appeals which shall thereafter set a date for public hearing. The date for public hearing shall be set to permit sufficient time for review required in Section 9.5.7.~~

9.5.7. *Processing applications.* Upon receipt of a complete application for preliminary plan approval, and at least 15 days before a scheduled hearing date, (The Bureau of Administration Department of Building and Zoning, upon receipt of an application for preliminary plan approval from the Zoning Committee of the Cook County Board of Commissioners, shall forward a copy of the application, including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in whose district the property is located, and shall notify the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve, the Cook County Department of Public Health and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review. In addition, the Bureau of Administration shall provide notice of the availability of the application and supporting documents, for inspection and copying to the superintendents of local school districts, the fire chiefs of local fire protection districts, township highway commissioners, township clerks and municipalities within 1½ miles of the proposed PUD. The application and supporting documentation shall be forwarded to Cook County departments at least 60 days before a scheduled hearing date. Each reviewing department shall submit recommendations and comments to the Bureau of Administration at least 30 days before the scheduled hearing date.

~~Cook County~~ Each reviewing departments shall examine the application and supporting documentation based upon the following, as well as similar criteria:

A. Department of Planning and Development.

1. Economic impact.
2. Community need.
3. Trend of development.
4. Demographics.
5. Property values.
6. Landscape plan.

B. Department of Building and Zoning.

1. Site plan review.
2. Land use and permit review of properties in the vicinity of the proposed use.
3. Lot size.
4. Subdivision regulations.

C. Department of Highways.

1. Wetland mitigation and compensation.
2. Floodway and floodplain capacity and storage.
3. Drainage and detention requirements.
4. Roads, bridges, culverts, driveways, sidewalks, ingress, egress and access control.
5. Subdivision regulations.
6. Drainage, utilities, road easements and dedications.
7. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies, and townships.
8. Erosion and sediment control requirements.

D. Forest Preserve District.

1. Compatibility of the proposed use with Forest Preserve holdings.
2. Impact on value of Forest Preserve holdings.
3. Future Forest Preserve acquisitions.

E. Department of Public Health.

1. Lot sizes for private septic systems and wells.
2. Subdivision regulations.
3. Swimming pools.
4. Public or community well and septic or sewage systems.
5. Health and safety concerns.

## F. Department of Environmental Control.

1. Noise and odor regulations.
2. Soil geology and composition.
3. Wetland mitigation and compensation.
4. Discharges of effluent and particulate into the air, land and water.
5. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

~~At least ten days prior to the scheduled hearing on the application, the Bureau of Administration shall prepare a report for the Cook County Board of Commissioners and the Cook County Zoning Board of Appeals detailing its findings and recommendations. The report shall address all technical aspects of the data and plans submitted and indicate whether the plan satisfies each of the PUD standards enumerated in this ordinance. The Cook County Department's recommendations and comments, as well as the Bureau of Administration's report, shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date. The Bureau of Administration may, in its discretion, retain expert consultants as it deems necessary. The applicant shall reimburse Cook County for all fees and costs associated with expert consultants prior to consideration of the application by the Cook County Board of Commissioners.~~

9.5.8. *Notice of public hearing.*

- A. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property for which an application for preliminary plan approval has been filed in such a way as to be plainly visible from the street or right-of-way passing the frontage of the property. Notice posted on the property shall be maintained until the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The sign shall have a white background and contain the word "NOTICE" in red capital letters at least six inches high. The remaining lettering shall be in black capital letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a special use hearing for a PUD before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."
- B. Written notice shall be served by regular mail and also by certified mail; with return receipt requested, at least 15 days before the hearing, by the Zoning Board of Appeals to the clerk of each municipality within 1½ miles of the property for which the PUD application has been filed. ~~Notice shall also be sent, in the same manner,~~ to the clerk of the township, the superintendent of each school district and the fire chief of the local fire protection district in which the property is located. The applicant shall serve written notice, by certified mail with return receipt requested, to property owners within 250 feet of the lot lines of the proposed PUD,

whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot lines of the proposed PUD, only the condominium association shall be served with notice. The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested PUD. In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on special uses. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing. Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices. Applicants shall also file a sworn affidavit with the Department of Building and Zoning certifying compliance with the notice requirements of this section.

- C. Except as indicated in subsection B, the aApplicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, at the expense of the applicant, is given.

9.5.9. Hearing. The Zoning Board of Appeals shall hold at least one a public hearing for a proposed PUD in the township in which the property is located. At the hearing, the Zoning Board of Appeals shall make the report from the Bureau of Administration a part of the record. The hearing shall be conducted in accordance with Article 13 of this ordinance and the Zoning Board of Appeals' rules. An authorized representative of any Cook County department that provided comments on the application and/or the Bureau of Administration shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall the Zoning Board of Appeals grant, more than one continuance. The hearing shall be transcribed by a court reporter of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*9.5.10. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

- A. Applicants for PUD approval shall satisfy the following standards:
1. PUD conforms with the planning objectives, policies and maps of the County as specified in the Cook County Comprehensive Land Use and Policies Plan.

2. PUD is of a type and character and contains uses that are needed in the area.
  3. PUD is designed and laid out to preserve environmentally sensitive areas, natural resources, habitat and topographic features to the fullest extent possible.
  4. PUD is designed in conformity with the provisions of the Cook County Subdivision Manual or any successor subdivision document.
  5. PUD is designed to provide horizontal spacing between buildings which takes into consideration the purpose and objectives of this article.
  6. PUD complies with the industrial performance standards enumerated in Article 6 of this ordinance if the PUD contains industrial uses.
  7. PUD complies with the parking requirements enumerated in Article 11 of this ordinance.
  8. PUD provides appropriate yards, setbacks and buffers between the PUD and adjacent zoning lots. The applicant shall specifically request, in writing, any ~~variation~~ <sup>variance</sup> from the required setbacks.
  9. PUD has adequate utilities, access roads, drainage and other necessary facilities.
  10. PUD has ingress and egress designed to minimize traffic congestion in public streets.
  11. PUD and its maintenance and operation will not be detrimental to or endanger public health, safety or general welfare.
  12. PUD and its maintenance and operation will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the surrounding area.
  13. PUD and its maintenance and operation will not impede the normal and orderly development and improvement of surrounding property.
  14. PUD shall provide more open space than would be required in a standard subdivision.
  15. PUD shall be designed to connect to existing or planned pedestrian and bicycle systems in the vicinity.
- B. ~~Applicants shall, within 30 days after the public hearing, prepare and submit to the Zoning Board of Appeals one original and 15 copies of proposed findings of fact addressing each of the above standards. The applicant may seek, and the Zoning Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board of Appeals shall, within seven days of receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioner in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals.~~

- ~~C. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall forward the findings of fact and recommendations to be forwarded to the Cook County Board of Commissioners.~~
- D. Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within ~~60~~90 days after receipt of the applicant's proposed findings of fact on the PUD~~the hearing~~ and shall be submitted to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, municipalities located within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The findings and recommendations shall include a statement indicating the extent to which the proposed PUD departs from zoning, subdivision and other regulations applicable to the property and the reasons why a departure is or is not in the public interest. The ~~60~~90-day period may be extended by the Zoning Board of Appeals once, for ~~no more than a~~ maximum of 930 additional days if the Zoning Board of Appeals granted an extension pursuant to this article. ~~Failure of the applicant to provide a transcript of the hearing(s) within 60 days following the hearing shall void the application.~~
- E. Recommendation for approval of the preliminary PUD plan shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the PUD standards and is in the best interest of the public. ~~In all cases the Zoning Board of Appeals' recommendations to the Cook County Board of Commissioners are advisory only.~~
- F. The Zoning Board of Appeals may recommend; the imposition of conditions and restrictions upon preliminary plan approval; ~~variance~~departure from the general provisions, regulations and standards of this article; and/or ~~variance~~departure from any of the applicable district regulations when it deems a departure is in the public interest. In all cases, the Zoning Board of Appeals' recommendations to the Cook County Board of Commissioners are advisory only.

*9.5.11. Action by the Cook County Board of Commissioners.*

- A. The Cook County Board of Commissioners may approve or deny, by motion, an application for preliminary plan approval. Failure of the Cook County Board of Commissioners to take action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations shall operate as a denial of an application for preliminary plan approval. The 60 day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner



~~and is granted by the Board of Commissioners.~~

- B. The Cook County Board of Commissioners has the authority to: impose conditions and restrictions upon preliminary plan approval; depart from the general provisions, regulations and standards of this article; and/or depart from any of depart from strict conformance with the requirements and standards enumerated in this article; vary the applicable district regulations; and impose conditions and restrictions upon the PUD application when it deems a departure is in the public interest.
- C. Applications for preliminary plan approval shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption at a proposed PUD or when a written protest against the proposed PUD has been received in accordance with Article 13.
- D. Approval of the preliminary plan and satisfaction of any conditions and restrictions imposed by the Cook County Board of Commissioners shall be conditions precedent to submission of an application for PUD ordinance.

#### 9.6. - Final Plan Approval.

*9.6.1. Application and supporting documents.* The applicant shall, within one year from the date of preliminary plan approval, submit an application for PUD ordinance to the ~~Bureau of Administration~~ Department of Building and Zoning. The applicant shall submit one original ~~and 15 copies of the~~ application and the following supporting documents:

- A. Final PUD plat, suitable for recording with the Cook County Recorder of Deeds, which includes the following information:
  - 1. Designation of lots and the division of all other property, including common open areas and building sites. If property within a final plat is to be subdivided, a subdivision plat is also required.
  - 2. Final site plans including legal description of all lots and each separate, unsubdivided area, including common open space, within the PUD.
  - 3. Exact location of all buildings, structures, streets, drives, parking lots, sidewalks, drainage and utility easements, detention easements and conservation easements, landscaping and other proposed site improvements.
  - 4. Final architectural plans setting forth the type and style of construction and materials to be used in proposed buildings, including the height and area of each building.
  - 5. Certificates, seals and signatures necessary for dedicating property and recording the final plat.
  - 6. Tabulation of separate unsubdivided use area, land area, number of buildings, number of dwelling units and dwelling units per acre.
  - 7. Final landscape architectural plans and specifications.
  - 8. Final lighting plans and specifications.
  - 9. Signage plans.

- B. Common open space documents which verify that common open space will be permanently preserved and streets, walkways and common spaces will be maintained and repaired in perpetuity. Common open space shall be either conveyed to a municipal or public corporation, to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents or retained by the applicant with legally binding guarantees providing for perpetual maintenance, operation, improvements and repairs. All property conveyed to a not-for-profit corporation, or like entity, shall be subject to the right of the corporation or entity to impose a legally enforceable lien on all property within the PUD for maintenance and improvement of the common open space.
- C. Final construction engineering plans, signed and sealed by an Illinois licensed professional engineer, for public facilities and improvements approved by the Cook County Highway Department. Public facilities and improvements shall be constructed upon approval of the PUD ordinance and a construction performance bond shall be posted to guarantee construction of required infrastructure. The performance bond shall be payable to Cook County and be sufficient to cover the full cost of the facilities and improvements plus 15 percent.
- D. Detailed plans signed and sealed by an Illinois licensed professional engineer for the construction and installation of site amenities, including buildings, lakes and other site improvements.
- E. Final construction schedule which shall include the projected completion date of the entire project and completion dates of any intermediate phases of the development.
- F. Statement indicating current ownership of the property and information regarding intent to sell all or portions of the development.
- G. Detailed plans depicting the size and location of dedicated parkland and school sites or the amount of any cash contribution to the local park and school district.
- H. Proof from the Cook County Clerk's Office in the [event] that no delinquent taxes exist on any portion of the property.
- I. Final agreements, provisions or covenants which will govern the perpetual maintenance, operation and improvements of the PUD. These documents shall be recorded at the same time as the final PUD plat.

9.6.2. *Fee.* An application for PUD ordinance shall be accompanied by a fee established by the Cook County Board of Commissioners.

9.6.3. *Department reviews.* The ~~Bureau of Administration~~ Zoning Board of Appeals shall forward one copy of the application for PUD ordinance, plat and supporting documents to the Cook County Commissioner in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Zoning Board of Appeals, the Cook County Department of Highways, the Forest Preserve District, the Cook County Department of Public Health, the Cook County Department of

Environmental Control and the Cook County Plat Officer for certification that the PUD, plat and supporting documents are in substantial conformance with the approved preliminary plan and other sections of this ordinance. The departments shall have ~~307~~ 30 days from receipt of the application for PUD ordinance to furnish the ~~Bureau of Administration~~ Zoning Board of Appeals with their ~~written~~ comments. Upon receipt of the comments ~~from the departments~~, the ~~Bureau of Administration~~ Zoning Board of Appeals shall make them available to the applicant or its representative upon request, and allow the applicant or its representative to submit a response within 15 days. ~~The Zoning Board of Appeals shall, within 30 days,~~ certify whether the application for final plan approval and supporting documents are in substantial compliance with the approved preliminary plans and shall provide a recommendation to approve or deny the application to the Zoning Committee of the Cook County Board of Commissioners within 30 days after receiving the comments from the departments. ~~The applicant or its representative may, within the same 30-day period, review the various Cook County department comments and submit a response to the Bureau of Administration.~~

9.6.4. *Preparation of ordinance.* The ~~Bureau of Administration~~ Zoning Board of Appeals shall, when all conditions and procedures have been satisfied, prepare the PUD ordinance which shall address the standards of this article and any conditions imposed on the PUD. If a map amendment is recommended in connection with the PUD, the ~~Bureau of Administration~~ Zoning Board of Appeals shall include a separate section in the PUD ordinance which shall address the map amendment standards contained in Article 13 and any conditions to be imposed on the map amendment. The ~~Bureau of Administration~~ Zoning Board of Appeals shall forward the proposed PUD ordinance to the Zoning Committee of the Cook County Board of Commissioners.

9.6.5. *Action by the Cook County Board of Commissioners.* The Cook County Board of Commissioners may approve or deny the proposed PUD ordinance. ~~The failure of the Cook County Board to take action within 60 days of receiving the proposed ordinance from the Bureau of Administration Zoning Board of Appeals shall operate as a denial. The 60 day period may be extended if a request for an extension is made by the applicant or a Cook County Board Commissioner and is granted by the Board of Commissioners.~~ A favorable vote of three-quarters of all members of the Cook County Board of Commissioners shall be required when a written protest to the application for preliminary plan was filed pursuant to Article 13.

9.6.6. *Conditions and restrictions.* The Cook County Board of Commissioners may, by ordinance, impose conditions and restrictions on a PUD to assure compliance with the standards and requirements of this ordinance. In addition, the Cook County Board may require evidence and guarantees to ensure that the applicant complies with the conditions of the PUD. Failure of the applicant to comply with conditions or restrictions shall constitute a violation of this ordinance.

9.6.7. *Recordation.* The applicant, upon adoption of a PUD ordinance, shall record the PUD plat, common open space documents, dedications, agreements, provisions or covenants with the Cook County Recorder of Deeds. Recording the PUD plat and supporting documents shall constitute notice of the restrictions placed upon the property and act as a zoning control device.

9.6.8. *Building permits.* The Department of Building and Zoning may not issue building permits until the PUD plat and supporting documents have been recorded with the County Recorder of Deeds. The applicant shall present proof of recording to the Cook County Department of Building and Zoning. Construction authorized by a building permit shall be in full conformance with the recorded PUD plat. Failure of the applicant to develop and construct the PUD according to the PUD ordinance shall constitute a violation of the zoning ordinance.

9.7. - Changes in an approved PUD.

A change to an approved PUD shall be made as follows:

9.7.1. *Major and minor changes.*

- A. Changes to the PUD which alter the concept, intent, standards or conditions of the PUD established by the preliminary plan, and/or the PUD ordinance, shall be construed by the Zoning Board of Appeals as a major modification necessitating reconsideration of the PUD. Where a major modification is sought, the applicant shall make application to the ~~Bureau of Administration~~ Department of Building and Zoning for an amendment to the preliminary plan and/or PUD ordinance. The application shall be processed in accordance with the procedures established for review and approval of the preliminary plan. The documentation required to be submitted by the applicant shall be sufficient to provide for review of the proposed amendment. The ~~Bureau of Administration~~ Department of Building and Zoning shall be authorized to determine the sufficiency of the documentation submitted in support of the proposed amendment and to require such additional documentation deemed necessary to review the application for amendment. The amendment to the preliminary plan and/or PUD ordinance shall otherwise be processed as an original application subject to all notices, reviews, hearings and approvals required by this article.
  1. A major change to an approved PUD is a change to the approved site plan and supporting maps and materials that ~~alters~~results in any of the following ~~elements~~:
    - a. An increase in density for any phase of the development or for the entire development;
    - b. An increase in the approved floor area ratio;
    - c. A reduction in the approved landscape material in quantity or in size of material;
    - d. An increase in building height;
    - e. A change in the type of dwelling unit;
    - f. A reduction in the amount of open space or a change in the location of the open space; or
    - g. Any change in the approved site plan which results in moving a building more than 20 feet.
  2. All other changes shall be construed as minor changes and shall be reviewed and approved by the ~~Bureau of Administration~~ Department of Building and Zoning.

- B. The Zoning Board of Appeals shall make a recommendation to the Zoning and Building Committee of the County Board regarding whether a plan with a major change shall be approved or denied, with final approval by the Board of Commissioners.
- C. Changes to the approved phasing schedule:
  - 1. In the event the petitioner/developer anticipates a time delay in meeting the completion date for any or all of the phases of the planned unit development, the applicant may file a written request to the Chairman of the Committee on Zoning and Building of the Cook County Board of Commissioners at least 20 days prior to the expiration of said completion date.
  - 2. The Zoning and Building Committee will review and may recommend to the President and Board of Commissioners an extension of said completion date for any length of time as deemed justifiable by the President and Board of Commissioners.
  - 3. Should an approved PUD fail to meet any portion of its improvement/phasing schedule, the ~~Bureau of Administration~~ Department of Building and Zoning shall review the circumstances and recommend one of the following actions to the Committee on Zoning and Building of the Cook County Board of Commissioners, with final approval by the Board of Commissioners:
    - a. ~~That the~~The use for the entire area be continued with a revised time schedule;
    - b. ~~That the~~The PUD be revoked and the property be appropriately rezoned; or
    - c. ~~That a~~A new public hearing by the Zoning Board of Appeals be scheduled on the PUD in accordance with the procedures for preliminary PUD approval.

9.8. - Reversion and extension.

9.8.1. *Reversion.* For purposes of this section, issuance of a building permit for any phase of development shall establish the PUD. The applicant's failure to apply for a building permit within one year of adoption of the PUD ordinance shall, without further action, cause the PUD ordinance to be null and void. With respect to a map amendment approved in conjunction with a PUD ordinance, the applicant's failure to apply for a building permit within one year of adoption of the PUD ordinance shall, without further action, cause the the map amendment ~~shall~~ to be null and void and the property ~~shall~~ to revert to its zoning classification immediately prior to the PUD application.

9.8.2. *Extension.* The applicant may apply for an extension of the one-year application period prescribed in Sections 9.6.1 and 9.8.1. The applicant is limited to one 12-month extension under each section. An application for extension shall be filed with the ~~Bureau of Administration~~ Department of Building and Zoning before the expiration of the applicable time period and shall be accompanied by a fee established by the Cook County Board of Commissioners. The ~~Bureau of Administration~~ Department of Building and Zoning may recommend, and the Cook County Board of Commissioners may approve, the application

for an extension for good cause shown. Failure to apply for an extension in the time prescribed shall render the application null and void.

#### ARTICLE 13. ADMINISTRATION AND ENFORCEMENT

##### 13.3. - Zoning Board of Appeals.

*13.3.1. Membership.* The Zoning Board of Appeals shall be composed of seven members: five voting members who shall be appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners; and two ex-officio, nonvoting members, consisting of the Chairman of the ~~Building and Zoning and Building~~ Committee of the Cook County Board of Commissioners and the ~~Chief Administrative Officer~~ Chief of the Bureau of Economic Development of Cook County. Ex-officio members may be represented by a designee at any hearing or meeting of the Zoning Board of Appeals. As of June 1, 2013, voting members shall receive compensation of \$500.00 per official meeting of the Zoning Board of Appeals where the member participates in person or by viewing a record of proceeding where action is required not to exceed \$12,000.00, with no other fringe or pension benefits, and an allowance for expenses as provided by the Cook County Board of Commissioners in its annual appropriation Ordinance. The Zoning Board of Appeals shall report the number of official meetings it has conducted on a quarterly basis to the Cook County Board of Commissioners. Members of the Zoning Board of Appeals serving at the time of adoption of this ordinance shall serve for the remaining term of their appointments, or until their respective successors are appointed. All new and renewed terms of office for Zoning Board of Appeals members shall be for five years.

One of the members of the Zoning Board of Appeals shall be designated by the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners as Chairman of the Zoning Board of Appeals, and shall hold office until a successor is appointed. The President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners shall have the power to remove for cause any member of the Zoning Board of Appeals. Vacancies on the Zoning Board of Appeals shall be filled by appointment of the President of the Cook County Board of Commissioners with the advice and consent of the Cook County Board of Commissioners for the unexpired term of the member whose position has become vacant.

*13.3.2. Jurisdiction.* The Zoning Board of Appeals is vested with the following jurisdiction and authority:

- A. Hear and decide appeals from any order, requirement, decision or determination made by the Department of Building and Zoning under this ordinance.
- B. Hear and make recommendations to the Cook County Board of Commissioners on applications for authorized variations~~ences~~, on variations~~ences~~ from any quantitative requirement of this ordinance, and for all applications referred by the Department of Building and Zoning or the Cook County Board of Commissioners.

- C. Hear applications for special uses, planned unit developments, map amendments and unique uses as set forth in this ordinance. The Zoning Board of Appeals shall report its findings and recommendations to the Cook County Board of Commissioners.
- D. Conduct hearings at the request of the Cook County Board of Commissioners for map amendments to this ordinance and make recommendations to the Board of Commissioners.
- E. Conduct hearings at the request of the Cook County Board of Commissioners for text amendments to this ordinance and make recommendations to the Board of Commissioners.
- F. Conduct hearings at the request of the Cook County Board of Commissioners for amendments to the Cook County Comprehensive Land Use and Policies Plan and make recommendations to the Board of Commissioners.
- G. Initiate, direct and review studies of this ordinance and make recommendations to the Zoning and Building Committee of the Cook County Board of Commissioners.
- H. Hear and decide matters as set forth in this ordinance and matters referred to it by the Cook County Board of Commissioners.
- I. Duties as the Cook County Board of Commissioners shall by ordinance, resolution or direction provide.

*13.3.3. Meetings and rules.* The meetings of the Zoning Board of Appeals shall be held at the call of the Chairman at such times as the Zoning Board of Appeals may determine. Hearings conducted by the Zoning Board of Appeals shall be considered public meetings under the Illinois Open Meetings Act and shall be held in conformance with the Illinois Open Meetings Act. Ex-officio members, or their designees, may fully participate in meetings, but shall not vote on any matters before the Zoning Board of Appeals. For purposes of conducting a public meeting, a quorum of four members shall be present in person at the meeting, and two of the four members present may be ex-officio members or their designees. For purposes of conducting a vote at a public meeting, three voting members must be present in person at the meeting. Any person may appear and testify at a hearing. The Chairman or Acting Chairman may administer oaths and subpoena witnesses. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question. If any voting member is absent or fails to vote, that shall be reflected in the minutes. Zoning Board of Appeals voting members may not vote by proxy. Records shall be kept of all hearings and other official actions of the Zoning Board of Appeals. Applications, exhibits and all documents filed by applicants, as well as transcripts of hearings if provided, meetings, testimony and deliberations, shall constitute the record of the Zoning Board of Appeals. The Secretary of the Zoning Board of Appeals shall be the keeper of the records. The Zoning Board of Appeals shall adopt its own rules and procedures, not in conflict with this ordinance or with applicable State of Illinois Statutes, and may select or appoint such officers as it deems necessary. A copy of every rule, regulation, amendment, order, requirement, decision or determination of the Zoning Board of Appeals shall be filed immediately with the Department of Building and Zoning and shall be a public record.

*13.3.4. Decisions.* The decisions and findings of the Zoning Board of Appeals, except as provided in 13.3.5, shall be final administrative decisions and shall be subject to review as provided by law.

*13.3.5. Appeals from decisions of the Zoning Administrator.*

The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement or determination of the Department of Building and Zoning under this ordinance.

An appeal may be taken to the Zoning Board of Appeals by any person or entity or by any officer, department, board or bureau aggrieved by a decision of the Department of Building and Zoning under this ordinance. An appeal shall be taken within 35 days after the date of the Department of Building and Zoning's decision by filing with the Zoning Administrator and the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. Notice of appeal shall be given to all persons or entities entitled to receive notice as provided by Section 13.7.3.

The Zoning Board of Appeals shall select a reasonable time and place for hearing an appeal and give notice to the aggrieved person or entity and the Department of Building and Zoning. The hearing shall take place within 30 days after the Zoning Board of Appeals receives notice of appeal.

The Zoning Board of Appeals shall render a written decision on the appeal within 30 days after the hearing. The Zoning Board of Appeals shall forward its decision to all parties of record. The Zoning Board of Appeals may affirm, reverse, wholly or in part, or modify a decision of the Department of Building and Zoning. A written decision of the Zoning Board of Appeals shall contain findings of fact which support its decision. If the Zoning Board of Appeals affirms the decision of the Department of Building and Zoning, the decision of the Zoning Board of Appeals is a final administrative determination and shall be subject to review as provided by law.

If the Zoning Board of Appeals reverses the decision of the Department of Building and Zoning, the Department of Building and Zoning has the right to appeal the Zoning Board of Appeals' decision to the Cook County Board of Commissioners. The matter shall be heard upon the record of the Zoning and Building Committee, or a subcommittee, ("Committee") of the Cook County Board of Commissioners. No additional testimony shall be taken and no additional documents shall be filed. The Committee shall provide notice of its hearing of an appeal as provided in this section. The Committee may affirm, reverse, wholly or in part, or modify the decision of the Zoning Board of Appeals.

If the Committee reverses the Zoning Board of Appeals, the decision of the Committee shall be a final administrative determination and shall be subject to review as provided by law. The Secretary of the Zoning Board of Appeals shall maintain complete records of all actions relative to appeals.

*13.3.6. Secretary of the Zoning Board of Appeals.*

- A. The Secretary of the Zoning Board of Appeals shall be appointed by the President of the Cook County Board of Commissioners.



- B. Duties of the Secretary of the Zoning Board of Appeals shall be as follows:
  - 1. Maintain records of the Zoning Board of Appeals.
  - 2. Forward to the County Board of Commissioners final findings of fact and recommendations of the Zoning Board of Appeals for map amendments and special uses and such other matters under this ordinance which require consideration or action by the Cook County Board of Commissioners.
  - 3. Administer duties which may be delegated to the Secretary by the Cook County Board of Commissioners and the Zoning Board of Appeals.

13.4. – Building permits/zoning certificates.

*13.4.1. Application.* An application for a building permit shall be deemed an application for a zoning certificate. An application shall be accompanied by the following:

- A. Plat of survey, ~~in triplicate~~, drawn to scale and showing actual dimensions of lots and blocks, as required by the Department of Building and Zoning. The plat shall be dated within the prior ~~six month~~five year period and it shall be certified by a land surveyor licensed by the State of Illinois as a true copy of the property according to the registered or recorded plat of subdivision.
- B. Site plan signed and sealed by a registered professional engineer in the State of Illinois, in triplicate, drawn to scale in such form as may be prescribed by the Department of Building and Zoning. The site plan shall show the ground area, height and bulk of the building or structure, building lines in relation to lot lines, use to be made of the building, structure or land and such other information as may be required by the Department of Building and Zoning.

*13.4.2. Procedure.* A copy of each plat of survey and site plan shall be attached to the application for a building permit when it is submitted to the Department of Building and Zoning for zoning certification. The Department of Building and Zoning shall retain the application, attached plats and plans as public records.

13.6. – ~~Variations~~variances.

*13.6.1. Purpose.* In order to provide a streamlined approval process for minor modifications of selected zoning standards, the Zoning Administrator is hereby given the authority to review and approve applications for variances of ten percent or less of the regulations as to location of structures or as to bulk requirements without referral to the Zoning Board of Appeals and without a public hearing in accordance with this ordinance. The Zoning Board of Appeals, after a public hearing, shall recommend to the Cook County Board of Commissioners to grant or deny all other authorized ~~variations~~variances under this ordinance. In making a recommendation to grant a variance, the Zoning Board of Appeals shall make findings of fact in accordance with standards prescribed in this ordinance for ~~variations~~variances, and shall also find that there are practical difficulties or particular hardships which prevent the applicant from strictly following regulations of this ordinance.

*13.6.2. Application, hearing, and notice of hearing.*

- A. An application for a variance shall be filed in triplicate with, and shall contain such information as required by, the Department of Building and Zoning. Electronic submission of application and supporting documents shall be encouraged. Applications for sign variances will also require the submittal of one detailed, signed and sealed architectural drawing of the proposed sign and a detailed sketch and/or rendering of the sign. In addition, the applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of the owners of properties on lots lying within 150 feet of the property lines of the lot for which the variance is sought with his or her variance application, whose names appear on the Cook County tax records. Only the name and last known address of the condominium association shall be required for condominium developments that are located within 150 feet from the subject property. The Zoning Administrator shall reject applications for variances which do not comply with the provisions of this ordinance. Applications for sign variances will also require the submittal of one detailed, signed and sealed architectural drawing of the proposed sign and a detailed sketch and/or rendering of the sign. A copy of each application for variance which complies with the provisions of this ordinance shall be forwarded by the Department of Building and Zoning shall forward one copy of the application to the Cook County Board Commissioner in whose district the property is located. The application shall contain such information as required by the rules of the Department of Building and Zoning.
- B. The Zoning Board of Appeals shall hold at least one a public hearing on each application for a variance, except those which the Zoning Administrator intends to grant pursuant to Section 13.6.9 of this article. An authorized representative of any County department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. However, the hearing will not be transcribed by a court reporter unless requested by the Zoning Board of Appeals or another interested party, and in that case the cost of the transcription must be borne by the person requesting it. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall the Zoning Board of Appeals grant, more than one continuance.
- C. Notice of the time and place of a public hearing for all variance applications, except those which the Zoning Administrator intends to grant pursuant to Section 13.6.9 of this article, shall be published by the Zoning Board of Appeals at least once, not less than 15 days nor more than 30 days, before the hearing in a newspaper of general circulation in Cook County. The published notice may be supplemented by additional notice as required by the rules of the Zoning Board of Appeals. In addition, written notice of public hearings, including the reference number assigned by the Zoning Board of Appeals, and the place, date, and time of

~~the hearing shall be given not less than seven days or more than 45 days before the hearing, by the Zoning Board of Appeals shall be as follows: A.. Notices shall be given to the clerk of each municipality within 1½ miles of the subject property current real estate tax assesses, as shown on the records of the County Tax Collector, and to all persons whose names are listed on mailboxes, doorbells or signs on lots lying within 150 feet of the property lines of the lot for which the variation is sought in the sworn affidavit filed by the applicant with his or her variance application. When a condominium development is within 150 feet of the subject property, a Notice need only be sent to the condominium association of condominium developments that are located within 150 feet from the subject property. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property. B. Notices should be in writing and shall give the variation number assigned by the Zoning Board of Appeals, the place, date and time of the hearing and shall be given not less than seven days nor more than 45 days before the hearing. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of the owners of the properties and other entities required to be served. The Zoning Board of Appeals shall maintain a record of the method of service, and the names and last known addresses of the persons served with copies of the notice. The affidavit shall create a presumption that notice was given as required.~~

13.6.3. *Standards.* The Zoning Board of Appeals shall not recommend to the Board of Commissioners that it grant or deny a variance, unless the Zoning Board of Appeals first makes written findings of fact on each of the following standards based upon evidence presented:

- A. Physical surroundings, shape or topographical condition of the property would result in hardship upon the owner, as distinguished from a mere inconvenience, if the provisions of this ordinance were followed.
- B. Conditions which are unique to the property exist and are not applicable to other properties within the same zoning classification.
- C. ~~Variation~~ sought is not based exclusively upon a desire to make the property more profitable.
- D. Hardship or alleged difficulty is caused by this ordinance and not by any person presently having an interest in the property.
- E. ~~Variation~~ will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood.
- F. ~~Variation~~ will not impair an adequate supply of light and air to adjacent properties, substantially increase congestion in the public streets, increase the danger of fire, cause increased flooding risk to adjacent property, endanger public safety or substantially diminish or impair property values within adjacent neighborhoods.

*13.6.4. Conditions and restrictions.* The Zoning Board of Appeals may recommend to the Board of Commissioners such conditions and restrictions upon the premises benefited by a ~~variation~~variance as may be necessary to reduce or minimize the effect of the ~~variation~~variance upon other properties in the neighborhood and to better carry out the general intent of this ordinance. Failure of the applicant to comply with conditions and restrictions imposed shall constitute a violation of this ordinance.

*13.6.5. Authorized ~~variations~~variances.* A ~~variation~~variance from the regulations of this ordinance may be granted by the Cook County Board of Commissioners only in the following instances and in accordance with standards set forth in this ordinance:

- A. Permit a yard or setback less than the yard or setback required by this ordinance.
- B. Permit the use of a lot or lots for a use which is otherwise prohibited solely because of the insufficient area or width of the lot or lots. The Cook County Board of Commissioners shall not grant a ~~variation~~variance which results in the division of a conforming lot or lots into ~~two or more~~ any nonconforming lots. The Cook County Board of Commissioners shall not allow a lot less than 40,000 square feet to be used for an individual septic system and water supply system, unless the Cook County Department of Public Health has approved the systems.
- C. Permit the same off-street parking facility to qualify as a facility for two or more uses, provided the substantial use of the facility by each user does not take place at the same hours of the same days of the week.
- D. Reduce required off-street parking or off-street loading facilities.
- E. Increase the maximum distance that required parking spaces are permitted to be located from the use served.
- F. Increase dimensions or square footage of signs as provided in Article 12 and Ordinance No. 02-O-05.
- G. Increase the maximum gross floor area of any use required by this ordinance.
- H. Grant ~~variations~~variances for property located in a floodplain in accordance with the Floodplain Ordinance for Cook County, Illinois.
- I. Reduce lot size when property has been diminished in size by eminent domain or by a conveyance in lieu of an eminent domain proceeding.
- J. Grant height ~~variations~~variances for freestanding cellular tower facilities as provided in Ordinance No. 01-O-32. No height ~~variation~~variance for a cellular radio facility which is attached to or installed on a building shall be allowed.
- K. Grant height ~~variations~~variances for fences.

*13.6.6. Recommending variations.* A majority vote of three of the five voting members of the Zoning Board of Appeals is required to recommend to the Cook County Board of Commissioners to grant or deny a ~~variation~~variance. No decision of the Cook County Board of Commissioners granting a ~~variation~~variance shall be valid for more than one year, unless a building permit is obtained and construction of the building or the use commenced.

*13.6.7. Action by the Cook County Board of Commissioners.*

- A. Final action shall not be taken by the Cook County Board of Commissioners on an application for a ~~variation~~variance until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- B. ~~Variations~~variances shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended approval of a proposed ~~variation~~variance or where there has been a written protest filed against a proposed ~~variation~~variance in accordance with Section 13.13 of this ordinance.
- C. ~~Applications for variations shall be deemed denied if the Cook County Board of Commissioners has not taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. The 60 day period may be extended if a request for an extension is made by the applicant.~~
- ~~D.~~ The Cook County Board of Commissioners may impose conditions and restrictions upon a ~~variation~~variance in order to assure that the public health, safety and welfare is adequately protected.

*13.6.8. Effect of denial.* An application for a ~~variation~~variance which has been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.

*13.6.9. Administrative Adjustments.* An application for a variance of ten percent or less of the regulations as to location of structures or as to bulk requirements may be granted by the Zoning Administrator without referral to the Zoning Board of Appeals and without a public hearing provided that:

- A. The Zoning Administrator has not granted an application for variance of ten percent or less of the regulations as to location of the same or similar structure or bulk requirements submitted by the same applicant in the past 5 years from the date of application;
- B. Proof of compliance with the notice requirements to owners of the adjoining properties is submitted by the applicant, in accordance with the rules of the Department of Building and Zoning;

- C. No objection is submitted by the owners of the adjoining properties, in accordance with the rules of the Department of Building and Zoning;
- D. The Zoning Administrator finds that the variance sought eliminates an unnecessary inconvenience to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of adjoining property owners or the general public;
- E. A copy of the application is forwarded to the Cook County Board Commissioner in whose district the property is located with a notice of intent to grant the variance without referral to the Zoning Board of Appeals and without a public hearing; and
- F. No objection is submitted by the Cook County Board Commissioner in whose district the property is located within 14 days of the date of the notice of intent to grant the variance.

If any of the above conditions are not met, the Zoning Administrator shall refer the application for variance to the Zoning Board of Appeals.

In granting an application for a variance of ten percent or less of the regulations as to location of structures or as to bulk requirements, the Zoning Administrator may impose conditions and restrictions upon a variance sought under this Section in order to assure that the public health, safety and welfare is adequately protected. No decision of the Zoning Administrator granting a variance shall be valid for more than one year, unless a building permit is obtained and construction of the building or the use commenced.

### 13.7. - Map amendments.

*13.7.1. Authority.* The districts established by this ordinance may be amended by the Cook County Board of Commissioners. No map amendment shall be made without consideration of existing conditions, property values, trends of development and uses to which property is devoted.

*13.7.2. Initiation.* A map amendment may be proposed by the President or a member of the Cook County Board of Commissioners or by any person or entity having an interest in the subject property. A map amendment shall be initiated as provided in this article.

*13.7.3. Notice of application.* An applicant shall, not less than 15 days nor more than 30 days before filing an application, serve written notice, of intent to apply for a map amendment by certified mail with return receipt requested, to the property owners within 250 feet of the lot lines of the subject property. ~~The property owners receiving notice shall be those persons or entities whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice.~~ The number of feet occupied by public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local

school district, the fire chief of each local fire protection district, the township clerk and township highway commissioner. When the applicant is either the President of a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot be found, or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*13.7.4. Application.*

- A. An aApplications for a map amendment shall be submitted to the Department of Building and Zoning in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original ~~and 15 copies of the~~ application and all supporting documents. The applicant shall include a written statement and evidence establishing that the proposed map amendment will conform to the standards set forth in this article. The applicant shall ~~attest~~disclose, and the Department of Building and Zoning shall independently verify, ~~that no~~whether a judicial proceeding for a violation of any Cook County ordinance is pending pertaining to the subject property.
- B. Applicants shall ~~furnish to~~file with the Department of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons to be served with notice pursuant to 13.7.3. ~~Applicant(s) shall also furnish a written statement to the Department of Building and Zoning certifying compliance with the notice requirements of this ordinance.~~
- C. ~~Notices, as set forth in this article, shall be served by the Secretary of the Zoning Board of Appeals when the applicant is either the President or a member of the Cook County Board of Commissioners. Notice shall be served not less than 15 days nor more than 30 days before a scheduled public hearing.~~
- D. Applications shall be accompanied by proposed findings of fact addressing each of the standards in Section 13.7.9. (A).
- E. Applications which fail to comply with this Section shall be returned by the Zoning Administrator to the applicant, and the accompanying application fee will be reimbursed. The Zoning Administrator ~~may~~shall retain one copy of the application and supporting documents.

*13.7.5. Disclosure.* Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

A. *Property.*

1. Applicants of property held in a land trust, shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants of property owned by a partnership or association of two or more persons holding a common interest shall disclose the name and address of each partner or associate shall be listed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants of property owned by a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation shall be disclosed. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

B. *Applicant.*

1. Applicants acting as agents or nominees shall disclose their agency relationship shall be disclosed and the name and address of the principals and their interest in the subject property. If the principals are not individuals, the identity of the principals shall be disclosed as set forth. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants who are either the President or a member of the Cook County Board Commissioners shall disclose any ownership interest in the property or any direct or indirect interest in the property and the nature of the interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants who are a partnerships or associations of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five-percent interest ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
4. Applicants who are a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

~~C. Applications which fail to comply with this Section shall be returned by the Zoning Administrator to the applicant. The Zoning Administrator shall retain one copy of the application and supporting documents.~~



*13.7.6. Processing applications.*

Upon receipt of a complete application for map amendment, and at least 15 days before a scheduled hearing date, the Zoning Board of Appeals~~Department of Building and Zoning~~ shall forward a copy of the application, including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in whose district the property is located, and shall notify the Cook County Department of Planning and Development, ~~the Cook County Department of Building and Zoning,~~ the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review ~~at least 30 days before a scheduled hearing date.~~ Each reviewing department shall submit recommendations and comments ~~to the Secretary of the Zoning Board of Appeals~~ at least ~~threeseven~~ seven days before the scheduled hearing date. ~~In addition, the Zoning Board of Appeals shall provide notice of the availability of the application and supporting documents for inspection and copying to the superintendents of local school districts, the fire chiefs of local fire protection districts, the township highway commissioner, the township clerk and municipalities within 1½ miles from the subject property.~~

Each reviewing department shall examine the application and supporting documentation based upon the following, as well as similar criteria:

A. Department of Planning and Development.

1. Economic impact.
2. Community need.
3. Trend of development.
4. Demographics.
5. Property values.

B. Department of Building and Zoning.

1. Site plan review.
2. Land use and permit review of properties in the vicinity of the proposed use.
3. Lot size.
4. Subdivision regulations.

C. Department of Highways.

1. Wetland mitigation and compensation.
2. Floodway and floodplain capacity and storage.
3. Drainage detention requirements.
4. Roads, bridges, culverts, driveways, sidewalks, ingress, egress and access control.
5. Subdivision regulations.
6. Drainage, utilities, road easements and dedications.

7. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies and townships.
8. Erosion and sediment control requirements.

D. Forest Preserve Districts.

1. Compatibility of the proposed use with Forest Preserve holdings.
2. Impact on value of Forest Preserve holdings.
3. Future Forest Preserve acquisitions.

E. Department of Public Health.

1. Lot sizes for private septic systems and wells.
2. Subdivision regulations.
3. Swimming pools.
4. Public or community well and septic or sewage systems.
5. Health and safety concerns.

F. Department of Environmental Control.

1. Noise and odor regulations.
2. Soil geology and composition.
3. Wetland mitigation and compensation.
4. Discharges of effluent and particulate into the air, land and water.
5. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

The Cook County departments' recommendations and comments shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date.

*13.7.7. Notice of public hearing.*

- A. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property proposed to be rezoned in such a way as to be plainly visible from the roadway or right-of-way passing the frontage of the property. Notice posted on the property shall be maintained until the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The sign shall have a white background and contain the word "NOTICE" in red capital letters at least six inches high. The remaining lettering shall be in black capital letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a rezoning hearing before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."

- B. Written notice shall be served by regular mail and also by certified mail; with return receipt requested, at least 15 days before the hearing, by the Zoning Board of Appeals to the clerk of each municipality within 1½ miles of the property proposed to be rezoned. ~~Notice shall also be sent, in the same manner, to the clerk of the township in which the property is located the superintendent of each school district and the fire chief of the local fire protection district in which the property is located. As~~ The applicant shall serve written notice, by certified mail, with return receipt requested, to property owners within 250 feet of the lot line of the subject property, whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested map amendment. ~~In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on map amendments. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing.~~ Supplemental or additional notices may be published or distributed as prescribed by the Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices. Applicants shall also furnish a sworn affidavit to the Zoning Board of Appeals certifying compliance with the notice requirements of this ordinance.
- C. Except as indicated in subsection B, the aApplicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for the adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, at the expense of the applicant, is given.
- D. ~~Copies of an application shall be served in person or by certified mail on the owners of record within ten days after the application is filed when the applicant is the President or a member of the Cook County Board of Commissioners. Where the application is filed by a person having an interest in the subject property, a notice and copy of the application shall be served in like manner upon persons or entities having an interest in the property. .~~ When the applicant is the President or a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals, not less than 15 days nor more than 30 days before a scheduled public hearing. Notice and service requirements shall be in addition to posting and publishing requirements of this article.

*13.7.8. Hearing.*

The Zoning Board of Appeals shall hold ~~at least one~~ a public hearing on each application for a map amendment ~~in the township in which the property is located.~~ An authorized representative of any County department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. Provided, that if the owner of any property affected by such proposed map amendment submits a written request to the Zoning Board of Appeals within 14 days of referral by the Cook County Board of Commissioners, Committee on Building and Zoning, such hearing shall be held in the township or road district affected by the terms of such proposed amendment, as provided by State law. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall the Zoning Board of Appeals grant, ~~more than one~~ continuance. The hearing shall be transcribed by a court reporter of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*13.7.9. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

- A. Evidence submitted shall be reviewed by the Zoning Board of Appeals to determine whether the proposed use benefits public health, safety and welfare with respect to the following standards:
  - 1. Uses of surrounding property.
  - 2. Zoning classification of surrounding property.
  - 3. Suitability of the subject property for the use permitted under the existing zoning classification.
  - 4. Trend of development in the area.
  - 5. Length of time the property has been vacant as zoned considered in the context of land development in the surrounding area.
  - 6. Extent to which property values are diminished by particular zoning restrictions.
  - 7. Need in the community for the proposed use.
  - 8. Consistency with the Cook County Comprehensive Land Use and Policies Plan.

- B. ~~Applicants shall submit one original and 15 copies of proposed findings of fact documenting how the proposed amendment meets the standard to the Zoning Board of Appeals within 30 days of the public hearing. The applicant may seek, and the Zoning Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board shall, within seven days from receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioners in whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, the Cook County Department of Environmental Control, to each municipality within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals. The applicant or its representative may, within 14 days of the response period, review and/or furnish the Zoning Board of Appeals with any reply to the written responses filed.~~
- C. ~~Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall prepare findings of fact and recommendations in accordance with this article.~~
- D. ~~Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within 90 days after the close of a public hearing on a proposed map amendment. The Zoning Board of Appeals and shall be submitted its findings and recommendations to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The 90-day period may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days if the Zoning Board of Appeals granted an extension pursuant to this article. Failure of the Applicant to provide a transcript of the hearing within 60 days following the hearing shall void the application.~~
- E. C. Recommendation for the adoption of a proposed map amendment shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the standards and is in the best interest of the public. In all cases, the recommendations to the Cook County Board of Commissioners are advisory only.

*13.7.10. Action by the Cook County Board of Commissioners.*

- A. Final action shall not be taken on a proposed map amendment by the Cook County Board of Commissioners until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- B. Map amendments shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption of a proposed map amendment or where there has been a written protest filed against a proposed map amendment in accordance with this article.
- C. ~~Applications for map amendments shall be deemed denied if the Cook County Board of Commissioners has not taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. The 60 day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner and is granted by the Board of Commissioners.~~
- ~~D.~~ Decisions reached by the Cook County Board of Commissioners shall take into account the findings and recommendations of the Zoning Board of Appeals.
- ~~E.~~ D. Map amendments granted by the Cook County Board of Commissioners shall be included in an ordinance passed by the County Board.

*13.7.11. Effect of denial.* An application for a map amendment which has been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Cook County Board of Commissioners.

*13.7.12. Text amendments.* The Cook County Board of Commissioner's home rule authority to amend the text of this ordinance shall not be limited by this article.

**13.8. - Special uses.**

*13.8.1. Purpose.* The development and execution of this ordinance is based upon the division of Cook County into zoning districts. In addition to permitted uses, there are special uses which may be necessary because of the unusual characteristics or services special uses provide to the public. Special uses require case-by-case consideration to determine public need, appropriate location, impact on adjacent, existing or future uses and compatibility to the planned development of the community. Special uses fall into two categories.

- A. Uses publicly operated or traditionally associated with a public interest.
- B. Uses generally consistent with permitted uses which give rise to unique problems or benefits by virtue of their impact on neighboring property, public facilities or Cook County as a whole.

*13.8.2. Initiation.* A special use may be proposed by the President or a member of the Cook County Board of Commissioners or by any person or entity having an interest in the subject property. A special use shall be initiated as provided in this article.

*13.8.3. Notice of application.* Applicants shall, not less than 15 days nor more than 30 days before filing an application, serve written notice of intent to apply for a special use, by certified mail with return receipt requested, to the property owners within 250 feet of the lot lines of the subject property. The property owners receiving notice shall be those persons or entities whose names appear on the Cook County tax records. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The number of feet occupied by public roads, streets, alleys, other public ways shall be excluded in computing the 250 feet requirement. Notice need not be sent to owners more than 400 feet from the subject property when public streets, alleys and other public ways are included in the computation. In addition, the applicant shall serve notice to the clerk of each municipality within 1½ miles of the subject property, the superintendent of each local school district, the fire chief of each local fire protection district, the township clerk and township highway commissioner. When the applicant is either the President of a member of the Cook County Board of Commissioners, notice shall be served in accordance with this section, by the Zoning Board of Appeals. Notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and a statement of the approximate date when the applicant intends to apply. If the property owner on which notice is served cannot be found, or the mailed notice is returned, the notice requirements of this provision shall be deemed satisfied provided the applicant made a bonafide effort to determine the owner's address.

*13.8.4. Application.*

- A. An applications for a special use shall be submitted to the Department of Building and Zoning in such form and accompanied by such information as required by the Department of Building and Zoning. The applicant shall file one original ~~and 15 copies of the~~ application and all supporting documents. The applicant shall include a written statement and evidence establishing that the proposed special use will conform to the standards set forth in this article. The applicant shall attest, and the Department of Building and Zoning shall independently verify, ~~that whether~~ there is ~~no~~ a judicial proceeding for a violation of any Cook County ordinance pending pertaining to the subject property.
- B. Applicants shall provide a development plan or schedule for phased development of the special use if the special use is not intended to be established within one year. Upon approval, the development plan or schedule for the phased development shall be considered as a limitation and condition on the special use permit.
- C. Applicants shall ~~furnish~~ file with the Department of Building and Zoning a sworn affidavit containing a complete list of the names and last known addresses of the persons served with notice pursuant to 13.8.3. ~~The applicant shall also furnish a written statement to the Department of Building and Zoning certifying compliance with the notice requirements of this ordinance.~~

D. ~~Notices, as set forth in this article, shall be served by the Secretary of the Zoning Board of Appeals when the applicant is either the President or a member of the Cook County Board of Commissioners. Notice shall be served not less than 15 days nor more than 30 days before a scheduled public hearing.~~

~~E. Applications shall be accompanied by proposed findings of fact addressing each of the standards in 13.8.9 (A).~~

E. Applications shall be accompanied by a fee as established by the Cook County Board of Commissioners in order to be deemed complete.

F. Applications which fail to comply with this section shall be returned by the Zoning Administrator to the applicant, and the accompanying fee will be reimbursed. The Zoning Administrator may retain one copy of the application and supporting documents.

13.8.5. Disclosure. Applicants shall make the following disclosures by sworn affidavit, filed at the time of the application.

A. *Property.*

1. Applicants of property held in a land trust shall disclose the identity of each beneficiary of the trust including the name, address and percentage of interest of each beneficiary. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants of property owned by a partnership or association of two or more persons holding a common interest shall disclose the name and address of each partner or associate. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants of property owned by a corporation shall disclose the name, address and percentage of ownership interest of shareholders owning ~~three~~five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

B. *Applicant.*

1. Applicants acting as agents or nominees shall disclose their agency relationship and the name and address of the principals, and their interest in the subject property, shall be disclosed. If the principals are not individuals, the identity of the principals shall be disclosed as set forth below. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
2. Applicants who are either the President or a member of the Cook County Board of Commissioners shall disclose any ownership interest in the property or any direct or indirect interest in the property and the nature of the interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~
3. Applicants who are partnerships or associations of two or more persons holding a common interest shall disclose the name, address and percentage of ownership interest of each partner or associate having more than a five



percent interest. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

4. Applicants who are corporations shall disclose the name, address and percentage of ownership interest of shareholders owning five percent or more of the corporation. ~~Disclosure shall be a statement under oath and filed at the time of the application.~~

~~C. Applications which fail to comply with this article shall be returned by the Zoning Administrator to the applicant. The Zoning Administrator shall retain one copy of the application and supporting documents.~~

#### *13.8.6. Processing applications.*

Upon receipt of a complete application for special use, and at least 15 days before a scheduled hearing date, ~~the Zoning Board of Appeals~~ Department of Building and Zoning shall forward a copy of the complete application for special use, including the applicant's proposed findings of fact and all supporting documentation, to the Cook County Commissioner in whose district the property is located, and shall notify the Cook County Department of Planning and Development, ~~the Cook County Department of Building and Zoning,~~ the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Department of Public Health, and the Cook County Department of Environmental Control that a complete application, including the applicant's proposed findings of fact and all supporting documentation has been submitted and is ready for review at least 30 days before a scheduled hearing date. Each reviewing department shall submit recommendations and comments to the Secretary of the Zoning Board of Appeals at least three days before the scheduled hearing date. In addition, the Zoning Board of Appeals shall provide notice of the availability of the application and supporting documents for inspection and copying to the superintendent of local school districts, the fire chiefs of local fire protection districts, the township highway commissioner, the township clerk and municipalities within 1½ miles from the subject property. Each reviewing department shall submit recommendations and comments at least 7 days before the scheduled hearing date.

Each reviewing department shall examine the application and supporting documentation based upon the following, as well as similar criteria:

- A. Department of Planning and Development.
  1. Economic impact.
  2. Community need.
  3. Trend of development.
  4. Demographics.
  5. Property values.
- B. Department of Building and Zoning.
  1. Site plan review.
  2. Land use and permit review of properties in the vicinity of the proposed use.
  3. Lot size.
  4. Subdivision regulations.

- C. Department of Highways.
  - 1. Wetland mitigation and compensation.
  - 2. Floodway and floodplain capacity and storage.
  - 3. Drainage detention requirements.
  - 4. Roads, bridges, culverts, driveways, sidewalks, ingress and egress and access control.
  - 5. Subdivision regulations.
  - 6. Drainage, utilities and road easements and dedications.
  - 7. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Department of Transportation, Illinois Department of Natural Resources, United States Army Corps of Engineers, local fire protection agencies and townships.
  - 8. Erosion and sediment control requirements.
- D. Forest Preserve District.
  - 1. Compatibility of the proposed use with Forest Preserve holdings.
  - 2. Impact on value of Forest Preserve holdings.
  - 3. Future Forest Preserve acquisitions.
- E. Department of Public Health.
  - 1. Lot sizes for private septic systems and wells.
  - 2. Subdivision regulations.
  - 3. Swimming pools.
  - 4. Public or community well and septic or sewage systems.
  - 5. Health and Safety concerns.
- F. Department of Environmental Control.
  - 1. Noise and odor regulations.
  - 2. Soil geology and composition.
  - 3. Wetland mitigation and compensation.
  - 4. Discharges of effluent and particulate into the air, land and water.
  - 5. Criteria from other regulatory agencies such as the Metropolitan Water Reclamation District, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, United States Army Corps of Engineers and United States Environmental Protection Agency.

The County department's recommendations and comments shall be available to the applicant or its representative, upon request, for review and/or reproduction prior to the hearing date.

*13.8.7. Notice of public hearing.*

- A. Time and place of a public hearing shall be published in a newspaper of general circulation in Cook County not less than 15 days before the hearing. In addition, at least 15 days before the hearing, notice of the hearing shall be posted on the property for which a special use application has been filed in such a way as to be plainly visible from the roadway or right-of-way passing the frontage of the property. Notice posted on the property shall be maintained until the date of hearing on a weatherproof sign that is at least three feet by four feet in size. The sign shall have a white background and contain the word "NOTICE" in red capital letters at least six inches high. The remaining lettering shall be in black capital

letters a minimum of three inches in height. Notice shall contain at least the following language: "This property is the subject of a special use hearing before the Cook County Zoning Board of Appeals on (date) at (time) at (location)."

- B. Written notice shall be served by regular mail and also by certified mail; with return receipt requested, at least 15 days before the hearing by the Zoning Board of Appeals to the Clerk of each municipality within 1½ miles of the property for which the special use application has been filed. ~~Notice shall also be sent, in the same manner,~~ to the clerk of the township in which the property is located and to the superintendent of each school district and the fire chief of the local fire protection district in which the property is located. An applicant shall serve written notice, by certified mail; with return receipt requested, to property owners within 250 feet of the lot line of the subject property, whose names appear on the Cook County tax records, as to the date, time and location of the public hearing. For condominium developments that are located within 250 feet of the lot line of the subject property, only the condominium association shall be served with notice. The notices shall contain the same information as the posted notice and shall also contain the legal description of the property, the common address of the property, the name of the applicant, the applicant's representative and a brief description of the requested special use. ~~In addition, notice of all hearings shall be sent to each civic or property owners' organization requesting notice of hearings on special uses. Failure to notify a civic or property owners' organization, however, shall not invalidate the hearing.~~ Supplemental or additional notices shall be published or distributed as prescribed by Zoning Board of Appeals' rules. All required notices shall be provided at the expense of the applicant. Applicant shall submit proof of mailing for all required notices. Applicant shall also file a sworn affidavit with the Department of Building and Zoning certifying compliance with the notice requirements of this ordinance.
- C. ~~Except as indicated in subsection B, the a~~Applicants shall be responsible for the preparation of both posted and mailed notices and shall be solely responsible for adequacy and accuracy of the information. The applicant shall also be responsible for placing and maintaining posted notice and for mailing and maintaining records of written notices. The Secretary of the Zoning Board of Appeals shall be responsible for assuring that notice by newspaper publication, at the expense of the applicant, is given.
- D. When the applicant is the President or a member of the Cook County Board of Commissioners, Copies of an application notice shall be served in accordance with this section, by the Zoning Board of Appeals, not less than 15 days nor more than 30 days before a scheduled public hearing in person or by certified mail on the owners of record within ten days after the application is filed when the applicant is the President or a member of the Cook County Board of Commissioners. Where the application is filed by a person having an interest in the subject property, a notice and copy of the application shall be served in like manner upon all other persons or entities having an interest in the property. Notice and service requirements shall be in addition to posting and publishing requirements of this article.

*13.8.8. Hearing.*

The Zoning Board of Appeals shall hold ~~at least one~~ a public hearing on each application for a special use ~~in the township in which the property is located~~. An authorized representative of any county department that provided comment on the application shall testify at the hearing if requested by the Zoning Board of Appeals. The hearing shall take place at the Cook County Administration Building unless the Secretary of the Zoning Board of Appeals determines that the County Building has more adequate facilities for such hearing. A record of proceedings, examinations, and other official actions shall be preserved in the manner prescribed by Zoning Board of Appeals' rules. If there is a judicial proceeding for a violation of any Cook County ordinance involving the subject property, the applicant shall not be entitled to seek, nor shall the Zoning Board of Appeals grant, ~~more than one~~ a continuance. The hearing shall be transcribed by a court reporter of the applicant's choosing. Failure of the applicant to provide a transcript of the hearing(s) within 30 days following the hearing shall void the application. The deadline to submit a transcript may be extended by the Zoning Board of Appeals once, for a maximum of 30 additional days.

*13.8.9. Standards and findings of fact and recommendation of the Zoning Board of Appeals.*

- A. Special uses shall not be recommended by the Zoning Board of Appeals unless it makes written findings of fact consistent with the following standards:
  - 1. Establishment, maintenance or operation of the special use will not be detrimental to or endanger public health, safety or general welfare.
  - 2. Establishment, maintenance or operation of the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the neighborhood.
  - 3. Establishment, maintenance or operation of the special use will not impede the normal and orderly development and improvement of surrounding property for permitted uses.
  - 4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
  - 5. Adequate measures have been, or will be, taken to provide ingress and egress designed to minimize traffic congestion in public streets.
  - 6. Establishment, maintenance or operation of the special use shall in all other respects conform to all Cook County ordinances, unless otherwise authorized by the Cook County Board of Commissioners pursuant to the recommendation of the Zoning Board of Appeals.
- B. ~~Applicants shall submit one original and 15 copies of proposed findings of fact documenting how the proposed special use meets the standards, to the Zoning Board of Appeals within 30 days of the public hearing. The applicant may seek, and the Zoning Board of Appeals may grant for good cause shown, one 30-day extension of time for the applicant to submit findings of fact. The Zoning Board of Appeals shall, within seven days of receiving the applicant's proposed findings of fact, forward the proposed findings of fact to the Cook County Commissioner in~~

~~whose district the property is located, the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control to each municipality within 1½ miles of the subject property and local school and fire protection districts. Any interested party, upon written request to the Zoning Board of Appeals, may review the applicant's proposed findings of fact. County departments, municipalities and other interested persons shall have 30 days from receiving the applicant's proposed findings of fact to file a written response with the Zoning Board of Appeals. The applicant or its representative may, within 14 days of the response period, review and/or furnish the Zoning Board of Appeals with any reply to the written response filed.~~

~~C. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Secretary of the Zoning Board of Appeals shall forward findings of fact and recommendations in accordance with this article.~~

~~D. Written findings of fact and recommendations to approve or deny the application shall be made by the Zoning Board of Appeals within 90 days after the close of a public hearing on a proposed special use and shall be submitted to the Cook County Board of Commissioners. Recommendations and comments of the Cook County Department of Planning and Development, the Cook County Department of Building and Zoning, the Cook County Department of Highways, the Cook County Forest Preserve District, the Cook County Health Department, the Cook County Department of Environmental Control, and municipalities within 1½ miles of the subject property and local school and fire protection districts shall be considered and addressed in writing by the Zoning Board of Appeals in its findings and recommendations. The Zoning Board of Appeals shall submit its findings and recommendations to the Cook County Board of Commissioners. The 90-day period may be extended by the Zoning Board of Appeals for a maximum of 30 additional days if the Zoning Board of Appeals granted an extension pursuant to this article.~~

E. Recommendation for the adoption of a proposed special use shall not be made by the Zoning Board of Appeals unless it makes written findings of fact that the proposed use satisfies each of the standards and is in the best interest of the public. In all cases, the recommendations to the Cook County Board of Commissioners are advisory only.

*13.8.10. Conditions and guarantees.* The Zoning Board of Appeals may recommend, and the Cook County Board of Commissioners may impose, conditions and restrictions upon a special use to assure compliance with standards and requirements of this ordinance. The Cook County Board of Commissioners may require evidence and guarantees to ensure that the applicant complies with the conditions and restrictions of the special use. Failure

of the applicant to comply with such conditions or restrictions shall constitute a violation of this ordinance.

*13.8.11. Action by the Cook County Board of Commissioners.*

- A. Final action shall not be taken on a proposed special use by the Cook County Board of Commissioners until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- B. Special uses shall be approved by a favorable vote of three-quarters of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended adoption of a proposed special use or where there has been a written protest filed against a proposed special use in accordance with this article.
- C. ~~Applications for special uses shall be deemed denied if the Cook County Board of Commissioners has not taken final action within 60 days of receiving the Zoning Board of Appeals' findings and recommendations. The 60 day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner and is granted by the Board of Commissioners.~~
- ~~D.~~ Decisions reached by the Cook County Board of Commissioners shall take into account the findings and recommendations of the Zoning Board of Appeals.
- ~~E.~~ D. Special uses granted by the Cook County Board of Commissioners shall be included in an ordinance passed by the County Board.

*13.8.12. Planned unit developments.* A planned unit development shall conform to the requirements in Article 9.

*13.8.13. Effect of denial.* Applications for special uses which have been denied wholly or in part by the Cook County Board of Commissioners shall not be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Cook County Board of Commissioners.

*13.8.14. Revocation.* A special use which has been approved but not established on a zoning lot within one year or as otherwise provided by the special use permit shall be null and void. A special use is established on the date of issuance of a building permit. The Zoning Board of Appeals shall not have authority to extend the time limitation contained in a special use permit. If a special use is revoked by operation of this provision, and if the special use was granted in conjunction with a map amendment, the map amendment shall be revoked concurrently with revocation of the special use. Upon revocation, zoning of the subject property shall revert to the prior zoning classification unless otherwise authorized by the Cook County Board of Commissioners.

ARTICLE 14. RULES AND DEFINITIONS

Map Amendment. An amendment to the zoning map which modifies a property's zoning designation.

*Telecommunications carrier, wireless communication transmitting and receiving facility.*

A “telecommunications carrier, wireless communication transmitting and receiving facility” is a facility which consists of a combination of improvements and equipment, including but not limited to towers, antennas, wires, electrical cabinets, and foundations, that is operated pursuant to applicable federal licenses and includes antenna devices by which signals are transmitted and/or received.

Text Amendment. A change in the development standards in one or more zoning districts.

Effective Date: This Proposed Ordinance Amendment shall be in effect immediately upon passage and approval.

**\* Referred to the Zoning and Building Committee on July 17, 2013.**

\* The next regularly scheduled meeting is presently set for September 11, 2013.

According to the Cook County Board’s Rules of Organization and Procedure, Section 2-107 (dd), public testimony will be permitted at regular and special meetings of the Board and at committee meetings of the Board. Authorization as a public speaker shall only be granted to those individuals who have submitted in writing, their name, address, subject matter, and organization (if any) to the Secretary 24 hours in advance of the meeting. Duly authorized public speakers shall be called upon to deliver testimony at a time specified in the meeting agenda. Public testimony must be germane to a specific item(s) on the meeting agenda, and the testimony must not exceed three minutes; the Secretary will keep track of the time and advise when the time for public testimony has expired. Persons authorized to provide public testimony shall not use vulgar, abusive, or otherwise inappropriate language when addressing the Board; failure to act appropriately; failure to speak to an item that is germane to the meeting, or failure to adhere to the time requirements may result in expulsion from the meeting and/or disqualify the person from providing future testimony.